

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11	LILIA DIZON,	)	Case No.: 5:11-CV-05224-LHK
12	v.	)	ORDER DISMISSING ACTION WITH
13	Plaintiff,	)	PREJUDICE FOR FAILURE TO
14	WELLS FARGO BANK, N.A.; LITTON LOAN	)	PROSECUTE
15	SERVICING; and DOES 1 through 100,	)	
16	inclusive,	)	
	Defendants.	)	

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Plaintiff Lilia Dizon filed a complaint against Wells Fargo Bank, N.A. (“Wells Fargo”), Litton Loan Servicing (“Litton”), and Does 1 through 100 (collectively “Defendants”) on September 22, 2011, in Santa Clara County Superior Court. *See* ECF No. 1. On October 26, 2011, Litton removed the case to federal court. *Id.* Litton declined to proceed before a magistrate judge on October 31, 2011, and the case was reassigned to the undersigned judge on November 1, 2011. *See* ECF Nos. 4, 6. On November 2, 2011, Litton filed a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). *See* ECF No. 7. On November 17, 2011, Wells Fargo joined Litton’s motion. ECF No. 10. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to Litton’s motion to dismiss was due on November 16, 2011. Plaintiff has not filed an opposition or statement of non-opposition to Litton’s motion.

1           On May 9, 2012, the Court ordered Plaintiff to show cause why this case should not be  
2 dismissed for failure to prosecute. The Court gave Plaintiff until May 17, 2012, to file a response  
3 to the Order to Show Cause. Plaintiff failed to respond. A hearing on the Order to Show Cause  
4 was held on Thursday, May 24, 2012, at 1:30 p.m. Plaintiff failed to appear. The Court's Order to  
5 Show Cause gave Plaintiff notice that failure to respond to the Order to Show Cause and to appear  
6 at the May 24, 2012 hearing would result in dismissal with prejudice for failure to prosecute.  
7 Accordingly, because Plaintiff has failed to respond and to appear at the show cause hearing, this  
8 action is DISMISSED WITH PREJUDICE. The Clerk shall close the file.

9  
10 **IT IS SO ORDERED.**

11 Dated: May 24, 2012

*Lucy H. Koh*

12 LUCY H. KOH  
13 United States District Judge